

Continued Hearing Date: May 16, 2022, at 10:00 a.m. (prevailing Eastern Time)  
Objection Deadline: May 9, 2022, at 4:00 p.m. (prevailing Eastern Time)

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**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re  
85 FLATBUSH RHO MEZZ LLC, et al.,<sup>1</sup>  
  
Debtors

Case No. 20-23280 (RDD)  
Chapter 11

(Jointly Administered)

**NOTICE OF CONTINUED HEARING ON TH HOLDCO LLC'S MOTION TO  
APPROVE (I) THE ADEQUACY OF INFORMATION IN THE DISCLOSURE  
STATEMENT, (II) SOLICITATION AND NOTICE PROCEDURES,  
(III) FORMS OF BALLOTS, AND (IV) CERTAIN DATES WITH RESPECT THERETO**

<sup>1</sup> The Debtors (as defined) in these Chapter 11 Cases, along with the last four digits of each Debtor's federal tax identification number, include: 85 Flatbush RHO Mezz LLC (6184); 85 Flatbush RHO Hotel LLC (5027); and 85 Flatbush RHO Residential LLC (2261).

**PLEASE TAKE NOTICE** that on April 6, 2022, the Honorable Robert D. Drain, United States Bankruptcy Judge, United States Bankruptcy Court for the Southern District of New York (the “Court”) held a hearing (the “Hearing”) on *TH Holdco LLC’s Motion to Approve the (I) Adequacy of Information in the Disclosure Statement, (II) Solicitation and Notice Procedures, (III) Forms of Ballots, and (IV) Certain Dates with Respect Thereto* (the “Motion”)<sup>2</sup> filed by TH Holdco LLC (“TH Holdco”). On April 6, 2022, the Court continued the Hearing to allow TH Holdco time to amend the Motion’s underlying filings, including but not limited to the Disclosure Statement and the Plan, to comport with the Court’s instructions conveyed during the Hearing.

**PLEASE TAKE FURTHER NOTICE** that TH Holdco circulated drafts of its amendments to Disclosure Statement and Plan, along with the related exhibits, to the respective counsels for the Debtors, 85 Flatbush Mezz LLC (the “Mezz Lender”), the New York State Department of Taxation and Finance (“NYS”), and the Office of the United States Trustee on April 11, 2022 and received comments from the Debtors, the Mezz Lender and NYS. TH Holdco considered all comments received; however, TH Holdco did not agree with, and thus did not incorporate, certain of the comments received including those comments that appeared to be requests to (a) change the substantive terms of the Plan in a manner not required by the Bankruptcy Code, or (b) modify or waive terms of the Intercreditor Agreement. TH Holdco’s counsel had a meet and confer call with counsel for the Debtors and counsel for the Mezz Lender on April 21, 2022 and circulated a revised draft form of the Sale and Bid Procedures on April 22, 2022 to counsels for the Debtors, the Mezz Lender, NYS and the Office of the United States Trustee.

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<sup>2</sup> All capitalized terms not otherwise defined herein shall have the meaning ascribed to them in the Motion.

**PLEASE TAKE FURTHER NOTICE** that after further revisions to address the comments, on April 26, 2022, TH Holdco filed its *Second Amended Disclosure Statement Relating to the Second Amended Chapter 11 Plan Filed by Creditor TH Holdco LLC Related To 85 Flatbush RHO Mezz LLC, 85 Flatbush RHO Hotel LLC, and 85 Flatbush RHO Residential LLC* [Docket No. 193] (the “Second Amended Disclosure Statement”) and its updated *Second Amended Chapter 11 Plan Filed by Creditor TH Holdco LLC Related To 85 Flatbush RHO Mezz LLC, 85 Flatbush RHO Hotel LLC, and 85 Flatbush RHO Residential LLC* [Docket No. 190] (the “Second Amended Plan”).

**PLEASE TAKE FURTHER NOTICE** that the Motion to approve the now Second Amended Disclosure Statement relating to the now Second Amended Plan, and all related documents, shall be heard at the Court, located at 300 Quarropas Street, White Plains, New York 10601, on **May 16, 2022, at 10:00 a.m. (prevailing Eastern Time)** (the “Continued Hearing”).

**PLEASE TAKE FURTHER NOTICE** that any party who wishes to attend the Continued Hearing must register an appearance utilizing the Electronic Appearance portal on the Court’s website at <https://ecf.nysb.uscourts.gov/cgi-bin/nysbAppearances.pl>. The Continued Hearing will be conducted via Zoom and a link to the Zoom hearing will be provided by the Court by email in advance of the Continued Hearing. Zoom for Government instructions can be found at <https://www.nysb.uscourts.gov/zoom-video-hearing-guide>.

**PLEASE TAKE FURTHER NOTICE** that any responses to TH Holdco’s amendments shall: (a) be in writing; (b) conform to the Federal Rules of Bankruptcy Procedure, the Local Bankruptcy Rules for the Southern District of New York, and all General Orders applicable to Chapter 11 Cases in the United States Bankruptcy Court for the Southern District of New York;

(c) be filed electronically with the Court on the docket of *In re 85 Flatbush RHO Mezz LLC*, Case 20-23280 (RDD) (*jointly administered*) by registered users of the Court's electronic filing system and in accordance with the General Order M-399 (which is available on the Court's website at <http://www.nysb.uscourts.gov>); and (d) be served on the undersigned counsel and all parties who have entered an appearance in this case so as to be actually received by **May 9, 2022, at 4:00 p.m. (prevailing Eastern Time)** (the "Response Deadline").

**PLEASE TAKE FURTHER NOTICE** that the Continued Hearing may be continued or adjourned thereafter from time to time without further notice other than an announcement of the adjourned date or dates at the Continued Hearing.

Dated: April 27, 2022  
New York, New York

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### CERTIFICATE OF SERVICE

I hereby certify that on April 26, 2022, a true and correct copy of the foregoing *Notice of Continued Hearing on TH Holdco LLC's Motion to Approve (I) the Adequacy of Information in the Disclosure Statement, (II) Solicitation and Notice Procedures, (III) Forms of Ballots, and (IV) Certain Dates with Respect Thereto* were caused to be served via the Court's CM/ECF system on all parties authorized to receive electronic notice in these cases and by first class U.S. Mail on the parties listed in the attached service list.

/s/ Lauren M. Macksoud  
Lauren M. Macksoud